

In re: *Richard Cooney v. Robert Taft*, Case No. 2:04-cv-1156 (S.D. Ohio) (Frost, D.J.)

**Affidavit of Terry Collins**

County of Franklin :  
: ss  
State of Ohio :

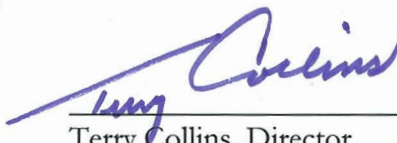
First having been duly sworn, the affiant testifies as follows:

1. I am Terry Collins; I have personal knowledge of the facts in this affidavit, and I am competent to testify.
2. I am the Director of the Ohio Department of Rehabilitation and Correction ("ODRC"). As part of my duties, I ensure that Ohio's death penalty is carried out lawfully.
3. I enforce and am able to modify ODRC's policy directive regarding executions by lethal injection. ODRC's policy directive for the execution of a condemned offender by lethal injection is numbered 01-COM-11.
4. I have given instructions to change the lethal injection procedures. The previous method used three drugs: thiopental sodium, pancuronium bromide, and potassium chloride.
5. Two changes have occurred, first regarding the chemicals used and second regarding the inclusion of a back-up procedure.
6. For the first change, going forward, pancuronium bromide no longer will be used as part of the lethal injection process. Also, potassium chloride no longer will be used as part of that process.
7. Instead, as the first alternative, the execution procedures will use five (5) grams of thiopental sodium. That chemical will be injected via an established intravenous ("IV") site, as explained in more detail below.
  - 7.1 The members of the execution team that are qualified under Ohio law to administer intravenous medications will consider the feasibility of establishing one or two intravenous injection sites. Such members may make reasonable attempts to establish IV injection sites.
  - 7.2 Upon the establishment of one or more IV injection sites, the execution shall be performed by the administration of five (5) grams of thiopental sodium via the IV injection site.
  - 7.3 The thiopental sodium shall be prepared with 25 mg/cc concentration, 40 cc per gram for a total of 200 cc, administered in five syringes.
  - 7.4 The offender will be subsequently examined to confirm unconsciousness and lack of respiration. Additional thiopental sodium may be administered if necessary.
8. A second change has been made to the lethal injection procedure. As a back-up, if an IV site cannot be established or maintained, then an intramuscular ("IM") injection may be used. That injection would consist of 10 milligrams ("mg") of midazolam and 40 mg of hydromorphone, as explained in more detail below.

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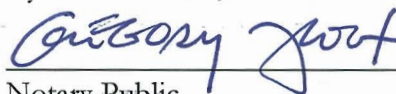
- 8.1 If the team believes it is not feasible to establish an IV injection site, or if the team attempts and fails to establish or maintain a site after reasonable efforts, the team shall consult with the warden who will in turn consult with the director.
  - 8.2 Upon the approval of the warden and the director, the team may use the IM injection method described below.
  - 8.2 A team member shall prepare 10 mg of midazolam with 5mg/mL concentration and 40 mg of hydromorphone prepared with 10 mg/mL concentration. The 10 mg of midazolam and 40 mg of hydromorphone shall be combined in a syringe for IM injection.
  - 8.3 This combination shall be injected into a large muscle of the inmate, such as the deltoid, the thigh or the buttocks.
  - 8.4 After five minutes, a team member will examine the offender to confirm unconsciousness and a lack of respiration. An additional syringe of midazolam and hydromorphone identical to the first may be administered if necessary.
  - 8.5 After an additional five minutes, a team member will examine the offender to confirm unconsciousness and a lack of respiration. An additional syringe of 60 mg hydromorphone only will be administered if necessary.
9. The changes presented above will become effective no later than November 30, 2009. The changes will be implemented in sufficient time to conduct the execution of Kenneth Biros, scheduled for December 8, 2009.

*Further affiant testifies naught.*



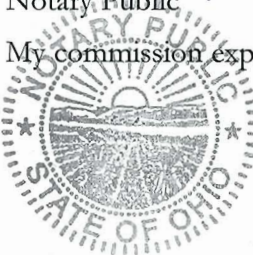
Terry Collins, Director  
Ohio Department of Rehabilitation and Correction

Signed and sworn before me this 12 day of November, 2009.



Notary Public

My commission expires:



GREGORY C. TROUT  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
Section 147.03 R.C.